

U.S. Department of the Interior
Bureau of Land Management
Little Snake Field Office
455 Emerson Street
Craig, CO 81625

DOCUMENTATION OF LAND USE PLAN CONFORMANCE AND NEPA ADEQUACY

NUMBER: DOI-BLM-CO-N010-2010-0143-DNA

CASEFILE/ALLOTMENT NUMBER: COC74631

PROJECT NAME: Moffat Limestone Co., Inc. Juniper Mountain Rock Pit Mineral Material Sale

LEGAL DESCRIPTION: 6th PM, T.6 N., R.95 W.
sec. 15, S½NE¼, N½SE¼;

APPLICANT: Moffat Limestone Company, Inc.

A. Describe the Proposed Action

Moffat Limestone has submitted a request for a new permit for the sale of mineral materials. Moffat Limestone Co., Inc. operates a mineral material pit to produce crushed limestone for road base material. A new sale from the existing pit has been requested as the old sale is nearing completion. The new sale would not create any new surface disturbance. All material would be removed from the existing pit.

B. Land Use Plan (LUP) Conformance

LUP Name: Little Snake Resource Management Plan and Record of Decision (ROD)

Date Approved: April 26, 1989

Final RMP/EIS, September 1986

Draft RMP/EIS, February 1986

The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

The Proposed Action implements the Resource Management Plan objectives on page 10 of the Little Snake Resource Management Plan and Record of Decision:

- Maximize the availability of the federal mineral estate for mineral exploration and development.
- Facilitate orderly, economic, and environmentally sound exploration and development of mineral resources within the principles of balanced multiple-use management.

C. Identify applicable NEPA documents and other related documents that cover the proposed action.

CO-016-92-025 EA, April 20, 1992

CO-100-2005-018 EA, July 25, 2005

CO-100-LS-01-013 DNA, February 13, 2001

CO-100-2004-008 DNA, November 13, 2003

The Materials Act of 1947; (61 Stat. 681, 30 U.S.C. 601 et seq.) as principally amended by:

The Act of July 23, 1955, Public Law 167 (69 Stat. 367, 30 U.S.C. 601)

D. NEPA Adequacy Criteria

1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed? Is the current proposed action located at a site specifically analyzed in an existing document?

Yes. The Proposed Action has not changed. There is no change in the location.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, and resource values?

Yes, the multiple use alternatives analyzed in the valid NEPA documents are still appropriate. The current environmental concerns, interests, and resource values are essentially the same as those in 2005. No new alternatives have been proposed by the public to address current or additional issues or concerns.

3. Is the existing analysis valid in light of any new information or circumstances?

Yes. The Proposed Action would have no disproportionate impacts on minority populations or low income communities per Executive Order (EO) 12898 and would not adversely impact migratory birds per EO 13186.

The previous analysis remains valid. No new, threatened or endangered plant or animal species have been identified within the permitted area. The data reaffirms that the RMP identified all resource concerns for this area.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?

Yes, the methodology and analytical approach used in the existing NEPA documents continue to be appropriate for the Proposed Action. Impacts to all resources were analyzed.

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document analyze site-specific impacts related to the current proposed action?

Yes. Direct and indirect impacts of the Proposed Action are within the parameters of those identified in the existing NEPA documents. The impacts from the proposed action have not changed, and these impacts were analyzed.

6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action substantially unchanged from those analyzed in the existing NEPA document(s)?

Yes. The cumulative impacts that would result from the implementation of the Proposed Action would remain unchanged from those identified in the existing NEPA documents. No additional activities have been implemented that would change the impacts resulting from the Proposed Action.

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes. Extensive public outreach through scoping and involvement of the public and other agencies occurred during the development of the RMP/EIS. There is no change to the originally proposed action as analyzed in the existing NEPA documents.

E. Interdisciplinary Analysis: Identify those team members conducting or participating in the preparation of this worksheet.

| Name | Title | Resource Represented | Initials/Date |
|----------------|----------------------------|---|---------------|
| Emily Spencer | Ecologist | Air Quality, Floodplains, Prime/Unique Farmlands, Surface Water Quality | ELS 10/4/10 |
| Ethan Morton | Archaeologist | Cultural Resources, Native American Concerns | EM 10/18/10 |
| Barb Blackstun | Realty Specialist | Environmental Justice | BSB 10/18/10 |
| Chris Rhyne | Rangeland Management Spec. | Invasive Non-native Species | |

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|------------------|-------------------------------|-----------------------------|---------------|
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| Hunter Seim | Rangeland Management Spec. | Sensitive Plants, T&E Plant | JHS 10/14/10 |
| Ryan Rumelhart | Wildlife Biologist | T&E Animal | RR 10/5/10 |
| Marty O'Mara | Petroleum Geologist | Ground Water Quality | EMO 10/15/10 |
| Ryan Rumelhart | Wildlife Biologist | Wetlands/Riparian Zones | RR 10/5/10 |
| Shane Dittlinger | Outdoor Recreation Specialist | WSA, W&S Rivers | KSD, 10/01/10 |

STANDARDS:

| Name | Title | Standard | Initials/Date |
|----------------|---------------------------|----------------------------|----------------------|
| Ryan Rumelhart | Wildlife Biologist | Animal Communities | RR 10/5/10 |
| Ryan Rumelhart | Wildlife Biologist | Special Status, T&E Animal | RR 10/5/10 |
| Hunter Seim | Rangeland Management Spec | Plant Communities | JHS 10/14/10 |
| Hunter Seim | Rangeland Management Spec | Special Status, T&E Plant | JHS 10/14/10 |
| Emily Spencer | Ecologist | Riparian Systems | ELS 10/4/10 |
| Marty O'Mara | Petroleum Geologist | Water Quality | EMO 10/15/10 |
| Emily Spencer | Ecologist | Upland Soils | ELS 10/4/10 |

Remarks:

CULTURAL RESOURCES

Affected Environment: Cultural resources, in this region of Colorado, range from late Paleo-Indian to Historic. For a general understanding of the cultural resources in this area of Colorado, see *An Overview of Prehistoric Cultural Resources, Little Snake Resource Area, Northwestern Colorado*, Bureau of Land Management Colorado, Cultural Resources Series, Number 20, *An Isolated Empire, A History of Northwestern Colorado*, Bureau of Land Management Colorado, Cultural Resource Series, Number 2 and *Colorado Prehistory: A Context for the Northern Colorado River Basin*, Colorado Council of Professional Archaeologists.

Environmental Consequences: The proposed project, Juniper Mountain Rock Pit Mineral Material Sale, has undergone Class III cultural resource surveys:

Naze, Brian

2008 A CULTURAL RESOURCE INVENTORY OF LIMESTONE QUARRIES ON JUNIPER MOUNTAIN IN MOFFAT COUNTY, COLORADO (10-00-90)

Light, Patrick

1994 CLASS III CULTURAL RESOURCE INVENTORY OF MAYBELL ENTERPRISES, INC. MOFFAT LIMESTONE QUARRY FUTURE AREA EXPANSION MOFFAT COUNTY, COLORADO (109-00-94)

PIONTKOWSKI, MICHAEL

2005 NEGATIVE REPORT OF THE CLASS III CULTURAL RESOURCE INVENTORY OF THE AMENDMENT SITE AND ACCESS ROAD FOR THE JUNIPER QUARRY, MOFFAT COUNTY, COLORADO

The survey identified no eligible sites to the National Register of Historic Places.

The following standard stipulations apply for this project:

1. The operator is responsible for informing all persons who are associated with the operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are encountered or uncovered during any project activities, the operator is to immediately stop activities in the immediate vicinity of the find and immediately contact the authorized officer (AO) at (970) 826-5000. Within five working days, the AO will inform the operator as to:

- Whether the materials appear eligible for the National Register of Historic Places;
- The mitigation measures the operator will likely have to undertake before the identified area can be used for project activities again; and
- Pursuant to 43 CFR 10.4(g) (Federal Register Notice, Monday, December 4, 1995, Vol. 60, No. 232) the holder of this authorization must notify the AO, by telephone at (970) 826-5000, and with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

2. If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the operator will be responsible for mitigation costs. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.

Name of specialist and date: Ethan Morton 10/18/10

Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

Signature of Lead Specialist_____ Date_____

Signature of NEPA Coordinator_____ Date_____

Signature of the Authorizing Official_____ Date_____

Note: The signed Conclusion on this document is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision.

ATTACHMENT A: SPECIAL STIPULATIONS
MOFFAT LIMESTONE COMPANY
JUNIPER MOUNTAIN MINE

COC - 74631

1. Topsoil or surficial soil stockpiles shall be confined to northeast edge of the site.
2. The blasting safety procedures as outlined in Moffat Limestone Company's memorandum to BLM, MSHA, and all Moffat Limestone and Maybell Enterprises employees, effective May 1, 1991, shall be incorporated as a condition of approval of the mine permit. In addition, signs shall be placed on all access roads and around the permit area as frequently as necessary to advise the vehicular and pedestrian public of the existence of potential danger from blasting and other mine activities.
3. Pursuant to 43 CFR 10.4(g) the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
4. No hazardous materials/hazardous wastes, trash or other solid waste shall be disposed of on public lands. If a release does occur, it shall be reported to this office immediately. Permittee is responsible for disposing of all debris in accordance with state and federal regulations.
5. Disturbed areas will be monitored for noxious weeds for three (3) years following final reclamation of the project's surface disturbance.
6. All equipment and machinery shall be equipped with spark arrestors and mufflers.
7. The Permittee is responsible for all suppression costs for any fire resulting from their operations and practices.
8. Trash will be disposed of properly. Trash will not be disposed of in any topsoil stockpiles or waste rock dumps.
9. If fossils are discovered during construction or other operations, all activity in the area will cease and the Field Office Manager will be notified immediately. An assessment of significance will be made within an agreed time frame. Operations will resume only upon written notification by the Authorized Officer.
10. The operator is responsible for informing all persons who are associated with the operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are encountered or uncovered during any project activities, the operator is to immediately stop

activities in the immediate vicinity of the find and immediately contact the authorized officer (AO) at (970) 826-5000. Within five working days, the AO will inform the operator as to:

- Whether the materials appear eligible for the National Register of Historic Places;
- The mitigation measures the operator will likely have to undertake before the identified area can be used for project activities again; and
- Pursuant to 43 CFR 10.4(g) (Federal Register Notice, Monday, December 4, 1995, Vol. 60, No. 232) the holder of this authorization must notify the AO, by telephone at (970) 826-5000, and with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

11. In the area disturbed for haul road construction topsoil will be salvaged and windrowed onto the edge of the road disturbance outside of the drainage ditch and protected from natural or designed runoff water drainage. The salvaged topsoil from the haul road and other areas of disturbance along the haul road will be seeded. Upon reclamation, the road will be re-contoured with the cut material pulled back into its original location, the topsoil will be evenly applied, ripped, and scarified, and the road will be seeded with an approved BLM seed mix.

12. The operator will at all times comply with the Clean Air and Clean Water Acts as enforced and monitored by the State of Colorado. Air quality measures will be taken as appropriate to meet State standards as required by the Colorado Department of Reclamation, Mining, and Safety (CDRMS) mining permit.

13. Reclamation Performance Standards

The permittee is required to use the reclamation practices necessary to reclaim all disturbed areas. Reclamation will ensure surface and subsurface stability, growth of a self-regenerating permanent vegetative cover and compatibility with post land use. The vegetation will be diverse and of the same seasonal growth as adjoining vegetation. Post land use will be determined by the authorized officer but normally will be the same as adjoining uses. Reclamation practices which must be applied or accomplished are: site re-grading, effectively controlling noxious weeds, separating, storing and protecting topsoil for redistribution during final abandonment, seeding and controlling erosion. If topsoil is not present, or quantities are insufficient to achieve reclamation goals, a suitable plant growth media will be separated, stored and protected for later use. Reclamation will begin with the salvaging of topsoil and continue until the required standards are met. Since use of the disturbed area is for periods of time greater than one year, interim reclamation is required on the unused areas. Interim reclamation of the unused areas will begin immediately upon completion of the permitted use and be completed, with exception of vegetative establishment, within one year. If the desired vegetation is not established by the

end of the second growing season, cultural practices necessary for establishment will be implemented prior to the beginning of the next growing season. If it becomes evident prior to the conclusion of the second growing season that establishment will not be achieved, cultural practices will be implemented prior to the beginning of the next growing season. Interim reclamation, unless otherwise approved, will require meeting the same standards as final abandonment.

There are numerous reclamation practices and techniques increase the success rate of reclamation and stabilization. With the exception of those stated above, it is the permittees' prerogative to use those that he/she so chooses to accomplish the objective. However, it is recommended that state-of-the-art reclamation, stabilization and management practices be used to achieve the desired objective in a timely and cost-effective manner.

The following definitions and measurements will be used to accomplish and determine if reclamation has been achieved.

- 'permanent vegetative cover' will be accomplished if the basal cover of perennial species, adapted to the area, is at least ninety (90) percent of the basal cover of the undisturbed vegetation of adjoining land or the potential basal cover as defined in the Soil Conservation Service Range Site(s) for the area.
- 'diverse' will be accomplished if at least two (2) perennial genera and three (3) perennial species, adapted to the area, make up the basal cover of the reclaimed area in precipitation zones thirteen (13) inches or less and three (3) perennial genera and four (4) perennial species in precipitation zones greater than thirteen (13) inches. One species will not make up more than fifty (50) percent of the perennial vegetation by basal cover.
- 'self regenerating' and 'adapted to the area' will be evident if the plant community is in good vigor, there is evidence of successful reproduction and the species are those commonly used and accepted in the area.
- 'surface stability' will be accomplished if soil movement, as measured by deposits around obstacles, depths of truncated areas, and height of pedestalling, is no greater than three tenths (0.3) of an inch and if erosion channels (rills, gullies, etc.) are less than one (1) inch in depth and at intervals greater than ten (10) feet.

If this standard is not met by the end of the second growing season, two alternatives exist depending on the severity of the erosion:

If erosion were greater than two (2) times the allowable amount, correctional action would have to be taken by the responsible company at that time.

If erosion is less than or equal to two (2) times the allowable amount, and it is determined the erosion occurred during vegetative establishment and the site may become stable, no correctional action would be required at that time. Another check (and measurement) would be performed a year later to determine if the stability standards had been met. If the original measurements have not increased by more than the allowed standard, the standard would be considered met. However, if the increase were greater than the allowed standard, corrective action would be required.

- Control of noxious weeds will be required through successful vegetation establishment and/or herbicide application. If applications of herbicide are prescribed, however, it is the responsibility of the lease operator to insure compliance with all local, state and federal laws and regulations, as well as labeling directions specific to the use of any given herbicide.

A Pesticide Use Proposal (PUP) will be approved prior to application of herbicides and/or other pesticides on Federal surface; contact the Little Snake Resource Area office to obtain a PUP form to request this authorization. Submit the PUP 2 months in advance of planned application. In the event you elect to apply herbicide or other pesticide as described and authorized on the approved PUP, you must report this use within 24 hours on Bureau of Land Management form titled Pesticide Application Record.